COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC INSTRUCTION

HARRISBURG

A Compilation of the LAWS RELATING TO The State Board of Pharmacy, Pharmacists, Pharmacies and Pharmaceutical Products

Bulletin 617

1946

Compiled by the

LEGISLATIVE REFERENCE BUREAU

for the

STATE BOARD OF PHARMACY

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Preface

This compilation of the laws relating to the State Board of Pharmacy, the practice of pharmacy, the conduct of pharmacies, and the laws relating to the manufacture and sale of pharmaceutical products, has been prepared at the request of the State Board of Pharmacy.

It is primarily a revision of the compilation prepared in 1931 by the Honorable John H. Fertig, then Director of the Legislative Reference Bureau, to which has been added new acts affecting the Board and the practice of pharmacy.

So much of the Administrative Code of 1929 is included as relates to the organization and general powers of the State Board of Pharmacy, and the powers and duties of the Department of Public Instruction in relation to professional education and licensure.

Drug stores still engage in various lines of business beyond the original scope of a drug store and for the benefit of those who desire information relating to these additional lines, the following acts may be consulted:

Registration of Trade Marks and Labels: Act of June 20, 1901, P. L. 582, as amended by Acts of April 24, 1905, P. L. 302, and July 30, 1941, P. L. 610.

Non-Alcoholic Drinks: Act of March 11, 1909, P. L. 15; as amended by the Acts of June 16, 1919, P. L. 480; and May 25, 1921, P. L. 1116.

False or Misleading Advertising: Section 857 of the Penal Code of 1939.

Sale of Cigarettes to Minors: Sections 647 and 648 of the Penal Code of 1939.

Public Eating Places: Act of May 23, 1945, P. L. 926.

Fictitious Name Registration Act: Act of May 24, 1945, P. L. 650.

Ice Cream, Sherbets and Ices: Act of May 31, 1933, P. L. 1116, as amended by Act of June 5, 1937, P. L. 1672.

Carbonated Drinks and Waters: Act of May 14, 1925, P. L. 730, as amended by Acts of May 6, 1927, P. L. 851; June 22, 1931, P. L. 654; June 25, 1937, P. L. 2140; June 25, 1941, P. L. 206, and May 16, 1945, P. L. 600.

ROBERT S. FREY, *Director*

Pennsylvania Legislative Reference Bureau

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I

APPOINTMENT, ORGANIZATION AND GENERAL PROVISIONS RELATING TO THE STATE BOARD OF PHARMACY

1. BOARD OF PHARMACY A DEPARTMENTAL ADMINISTRATIVE BOARD. The following boards * * * are hereby placed and made departmental administrative boards, * * * in the respective administrative departments, * * * as follows:

* * *

In the Department of Public Instruction,

* * *

State Board of Pharmacy.

* * *

Part of Sec. 202, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

2. APPOINTMENT OF MEMBERS OF BOARD. The Governor shall nominate, and by and with the advice and consent of two-thirds of all the members of the Senate, appoint:

* * *

* * * The members of all departmental administrative * * * boards. * * *.

Part of Sec. 207, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

3. OATH OF OFFICE. All persons appointed by the Governor under the provisions of this act, * * * shall, before entering upon the duties of their offices, take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of the Commonwealth.

Sec. 218, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

4. NUMBER OF MEMBERS; QUALIFICATIONS; TERMS; COMPENSATION. The State Board of Pharmacy shall consist of the Superintendent of Public Instruction, ex officio, and five persons, who shall be appointed for terms of six years, from among the most skillful pharmacists in Pennsylvania, who are not teachers or instructors in any educational institution teaching pharmacy. Each appointee must have been registered as a pharmacist in Pennsylvania at least ten years previous to his appointment, and he must be actually engaged in conducting a pharmacy.

Three members of the board shall constitute a quorum. The board shall select from their number a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the Superintendent of Public Instruction, shall be paid fifteen dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the Superintendent of Public Instruction.

Section 413, Administrative Code, Act of Apr. 9, 1929, P. L. 177. Re-enacts Sec. 411 of the Act of June 7, 1923, P. L. 498, which together with other sections of the Administrative Code, supply and repeal Sec. 2 of the Act of May 17, 1917, P. L. 208.

Section 2 of the Act of 1917, supplies Sec. 2 of the Act of May 24, 1887, P. L. 189, as amended by the Act of June 25, 1895, P. L. 277, Sec. 1.

5. FIDELITY BONDS. Before entering upon the duties of their respective offices or positions, bonds, conditioned for the faithful performance of their respective duties, * * * in such penal sums as shall be fixed by the Executive Board, shall be executed and filed with the State Treasurer by

* * *

Such officers and employes of departmental administrative boards * * * as the heads of the departments with which such boards * * * are respectively connected shall, with the approval of the Executive Board, prescribe.

* * *

All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and, unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice.

Part of Sec. 219, Administrative Code, Act of Apr. 9, 1929, P. L. 177 as amended by Act of June 3, 1933, P. L. 1470.

6. MEETINGS OF BOARD. Every * * * departmental administrative board * * * shall meet upon the call of the chairman or president thereof, at such times and places as the chairman or president shall designate, and at such times and places as the board * * * may, by rule, designate.

Part of Sec. 518, Administrative Code, Act of Apr. 9, 1929, P. L. 177, as amended by Act of June 1, 1931, P. L. 350. For meetings for examination purposes, see infra, Sec. 24.

7. EXPENSES OF MEMBERS OF BOARD. Subject to the rules and regulations of the Executive Board, * * *, the members of departmental administrative * * * boards * * * shall be entitled to receive their traveling and other necessary expenses, actually incurred in the performance of their public duties, upon requisition * * * of the appropriate administrative board * * * but, in the case of departmental administrative boards * * * such requisitions shall be subject to the approval of the departments with which such boards * * * are respectively connected.

Part of Sec. 216, Administrative Code, Act. of Apr. 9, 1929, P. L. 177.

8. REQUISITIONS BY BOARD. No money shall be paid out of any fund in the State Treasury, except the State Workmen's Insurance Fund, and except the Surplus Commodities Stamp Fund, until a requisition therefor shall have been presented to, or prepared by, the Auditor General.

* * *

For money appropriated to departmental administrative boards, * * * such board * * * shall prepare requisitions and forward them to the departments with which they are respectively connected. Such departments, if they approve the requisitions, shall so signify in writing, and shall transmit them to the Department of the Auditor General. No requisition of a departmental administrative board * * * shall be valid without the approval, in writing, of the department with which such board * * * is connected.

Part of Sec. 1501, Fiscal Code, Act of Apr. 9, 1929, P. L. 343, as amended by Act of June 19, 1941, P. L. 139.

9. REPORTS BY BOARD. * * * Each departmental administrative board * * * shall, not later than September first of each even numbered year, report in writing to the head of the department of which such board * * * is a part. All such reports shall be attached as exhibits to the report made by the head of the department to the Governor.

Except as otherwise in this act specifically provided, the reports required by this section shall be in lieu of all other reports heretofore required by law to be made by the several administrative * * * boards * * * either to the Governor or to the General Assembly.

Part of Sec. 504, Administrative Code, Act of April 9, 1929, P. L. 177.

10. SEAL; COPIES OF PAPERS UNDER SEAL. * * * Any departmental administrative board * * * may adopt and use an official seal. A copy of any paper or document on file with any such * * * board * * * authenticated by any such seal, shall be evidence equally and in like manner as the original.

Part of Sec. 505, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

11. ADMINISTRATIVE RULES AND REGULATIONS. * * * The several departmental administrative boards * * * are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their * * * boards, * * * the conduct of their employes and clerks, the distribution and performance of their business, and the custody, use, and preservation of the records, books, documents, and property pertaining thereto.

Sec. 506, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

12. SUBPOENAS. Every * * * departmental administrative board * * * shall have the power to issue subpoenas, requiring the attendance of witnesses and the production of books and papers per-

tinent to any hearing before such * * * board * * * and to examine such witnesses, books and papers.

Any witness, who refuses to obey a subpoena issued hereunder, or who refuses to be sworn or affirmed, or to testify, or who is guilty of any contempt after summons to appear, may be punished for contempt of court, and, for this purpose, an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed, for which purpose, such court is hereby given jurisdiction.

Sec. 520, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

13. BUDGET ESTIMATES. It shall be the duty of each departmental administrative * * * board * * * promptly to furnish to the head of the department of which it is a part, such information as may be requested by the head of the department, for the departmental budget estimates, or the periodical estimates of the current expenditures of the department.

Sec. 606, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

14. INDEPENDENT EXERCISE OF POWERS AND DUTIES. Except as otherwise provided in this act, departmental administrative * * * boards * * * within the several administrative departments, shall exercise their powers and perform their duties independently of the heads or any other officers of the respective administrative departments with which they are connected, but, in all matters involving the expenditure of money, all such departmental administrative boards * * * shall be subject and responsible to the departments with which they are respectively connected. Such departments shall, in all cases, have the right to make such examinations of the books, records and accounts of their respective departmental administrative boards * * * as may be necessary to enable them to pass upon the necessity and propriety of any expenditure or proposed expenditure.

Sec. 503, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

15. GENERAL POWERS OF PROFESSIONAL EXAMINING BOARDS; ISSUANCE OF CERTIFICATES. The professional examining boards within the Department of Public Instruction shall, respectively, exercise the rights and powers, and perform the duties by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction, but may be signed by the members of the appropriate board, or any of them, as determined by such board.

Subject to the preceding provisions of this section, and to any other inconsistent provisions in this act contained:

* * *

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon said board.

* * *

Part of Sec. 1310, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

This section vests in the State Board of Pharmacy the powers and duties vested by existing law in the Pennsylvania Board of Pharmacy.

16. ENUMERATION OF POWERS AS A LIMITATION OR DEROGATION OF EXISTING POWERS. Whenever in this act the powers and duties of a * * * board * * * are enumerated and defined, such enumeration and definition shall not be construed to be in derogation or imitation of the powers and duties heretofore exercised and performed by such * * * board * * * unless:

(a) Any power or duty, as enumerated and defined, is clearly inconsistent with the exercise of a power or the performance of a duty heretofore exercised or performed;

(b) There is a specific statement that a power or a duty heretofore exercised or performed shall not be exercised or performed by such * * * board * * * or that such power or duty shall be exercised in a different manner.

Sec. 2903, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

17. CONTINUATION IN OFFICE OF EXISTING APPOINTIVE MEMBERS. * * * Unless expressly otherwise provided in this act, the appointive members of departmental administrative boards * * * which are not abolished by this act, shall continue in office until the term for which they were respectively appointed shall expire or until they shall die, resign, or be removed from office.

Sec. 2906, Administrative Code, Act of Apr. 9, 1929, P. L. 177.

18. CONTINUATION OF EXISTING LAWS. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments.

Sec. 2902, Administrative Code, Act of April 9, 1929, P. L. 177.

II

RELATIONS OF DEPARTMENT OF PUBLIC INSTRUCTION TO PROFESSIONAL EDUCATION AND LICENSURE

19. POWERS AND DUTIES OF DEPARTMENT OF PUBLIC INSTRUCTION AS TO PROFESSIONAL EDUCATION AND LICENSURE. The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed to practice any profession or work at any trade or occupation in this Commonwealth for which licenses are issued by the Department of Public Instruction, or any other department of the Commonwealth, but this provision shall not affect educational requirements as now provided by law for any profession, trade or occupation.

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations in secondary school subjects at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient;

(e) To establish reciprocity with other states as regards preliminary education and professional licenses;

(f) To determine and publish a standard high school course, to compile and cause to be published, from time to time, a list of elementary and secondary schools in this State, which conform to the official standards promulgated by the department, and take such steps as may be appropriate to raise the standard of elementary and secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the right to practice any profession or to work at any trade or occupation for which licenses are issued by the Department of Public Instruction.

(g) To keep the records of all of the professional examining boards established in the city of Harriburg, Dauphin County, Pennsylvania.

(h) To issue all certificates and other official documents of the various professional examining boards in the department; Provided, however, That the officers and members, or any of them, of any such examining board, may also sign such certificates and other documents, if such board shall have taken action authorizing such signatures;

(i) To assist any professional examining board within the department, if, as and when requested by such board;

(j) To cooperate with the several professions whose examining bodies are within the department, in the determination and establishment of standards of professional education.

* * *

Part of Sec. 1304, Administrative Code, Act of Apr. 9, 1929, P. L. 177, as amended by Acts of March 27, 1945, P. L. 79 and May 18, 1945, P. L. 681.

20. FEES OF PROFESSIONAL EXAMINING BOARDS. The Department of Public Instruction be and hereby is authorized and directed annually, at least three months prior to the end of the current fiscal year, to fix the fees to be charged by the several professional examining boards, within said department during the ensuing fiscal year.

The basis upon which the Department of Public Instruction shall fix the fees to be charged by any professional examining board under the provisions of this act shall be the cost of administering and enforcing the act or acts of assembly under which such professional examining board conducts examinations and causes licenses or certificates, including renewals thereof, to be issued. The department shall estimate the proper cost of administering and enforcing such act or acts of assembly during the ensuing fiscal year, the probable number of persons to be examined, and the probable number of licenses or certificates, including renewals, to be issued; and it shall fix the fees to be charged by such board, at such amounts that the estimated total receipts therefrom during such fiscal year shall as nearly as possible equal the estimated cost of administering and enforcing such act or acts of assembly.

Secs. 1 and 2, Act of Apr. 1, 1925, P. L. 111.

21. DISPOSITION OF UNEXPENDED BALANCES OF PROFESSIONAL EXAMINING BOARDS; PAYMENT OVER OF MONEYS; SPECIAL FUNDS ABOLISHED; As soon after the effective date of this act as all liabilities theretofore incurred shall have been fully paid, all professional examining boards within the Department of Public Instruction shall pay into the State Treasury any unexpended balances of moneys accrued from fees, fines, and other income theretofore received by such boards under the provisions of the several acts of assembly authorizing the collection of such fees, fines and other income.

From and after the effective date of this act all such professional examining boards within the Department of Public Instruction shall pay into the general fund of the State Treasury all fees, fines, and other income received by them under the provisions of the several acts of assembly authorizing the collection of such fees and fines and other income. Such payments into the State Treasury shall be made on the last day of each and every month during which any such fees shall have been received by such boards.

As soon after the effective date of this act as all outstanding liabilities payable out of any of the special funds in the State Treasury for professional examining board within the Department of Public Instruction shall have been paid, all such special funds shall be abolished, and all unexpended balances in such funds shall be transferred to the general fund of the State Treasury.

Secs. 1, 2, and 3 Act of Apr. 1, 1925, P. L. 112. This act abolishes the fund created by Sec. 4 of the Act of May 24, 1887, P. L. 119, as amended by the Act of June 25, 1895, P. L. 276.

III

EXAMINATION, LICENSURE AND REGISTRATION OF PHARMACISTS AND ASSISTANT PHARMACISTS

22. DEFINITIONS, "PHARMACY", "DRUG", "PHARMACIST", "ASSISTANT PHARMACIST". (a) The term "pharmacy," when not otherwise limited, shall, for all the purposes of this act, be taken to mean a retail drug store, or any place where drugs, medicine, or poisons are compounded, dispensed, prepared, or sold at retail; (b) the term "drug," as used in this act, shall include * * * all medicine and preparations recognized in the United States Pharmacopoeia, the National Formulary, or the American Homeopathic Pharmacopoeia, for internal and external use, and any other substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals; (c) the term "pharmacist" shall, for all purposes of this act, be deemed to mean a person who is properly registered in accordance with this act of Assembly, as a pharmacist: Provided, however, That all persons registered as pharmacists by the State Pharmaceutical Examining Board of Pennsylvania, under the act of May twenty-fourth, one thousand eight hundred and eighty-seven, and various supplements and amendments, entitled "An act to regulate the practice of pharmacy and sale of poisons, and to prevent adulterations in drugs and medicinal preparations, in the State of Pennsylvania," shall be deemed to be pharmacists registered under this act.

Sec. 1, Act of May 17, 1917, P. L. 208 as amended by the Act of April 13, 1945, P. L. 231. In addition to pharmacists registered under the Act of May 24, 1887, P. L. 189, registrations were also provided for by the Acts of May 4, 1889, P. L. 80; June 9, 1911, P. L. 727; May 23, 1913, P. L. 344. The names of all pharmacists who were entitled to practice prior to the passage of this act should appear upon the books of registration in the possession of the State Pharmaceutical Examining Board which is now the State Board of Pharmacy.

23. COMPLIANCE WITH LAW REQUIRED. EXCEPTIONS. RESTRICTIONS ON SALES OF CERTAIN PHARMACEUTICAL PRODUCTS. PENALTIES. Hereafter it shall be unlawful to sell drugs, medicines, or poisons at retail, or to compound physicians' prescriptions, or to conduct a pharmacy unless the person so doing shall be a pharmacist or assistant pharmacist or to practice as a pharmacist or assistant pharmacist, except in compliance with the provisions of the various laws of this Commonwealth: Provided, however, That nothing in this act of Assembly shall be so construed as to interfere with students of a pharmacy, or other employes in a pharmacy, from performing such duties as may be assigned to them by and under the supervision of a pharmacist or assistant pharmacist; And provided further, That the compounding of physicians' prescriptions, or the dispensing and selling of poisons at retail, shall not be permitted except under strict supervision and in the presence of a pharmacist or assistant pharmacist.

Nothing in this act of Assembly shall be construed so as to prevent an authorized practitioner of medicine from administering or dispensing such drugs to bona fide patients as he or she shall deem necessary: Provided, however, That such drugs so administered or dispensed shall conform to the standards of strength, quality, and purity as fixed by the laws of this Commonwealth: nor prevent the sale or manufacture of proprietary medicines; nor prevent storekeepers from dealing in and selling commonly used household drugs or proprietary medicines when the same are offered for sale or sold in original packages, except when administered in single doses on the premises, which have been put up ready for sale to consumers by pharmacists, manufacturing pharmacists, manufacturers of proprietary medicines, wholesale grocers, or wholesale druggists, under qualified supervision: Provided, however, That the proprietary medicines or household drugs sold or offered for sale shall not contain any opium, coca leaves, chloral, or any of the salts derivatives or compounds thereof in any quantity whatsoever: Provided, also, That remedial agencies that are administered hypodermically, intramuscularly intravenously, and all medicinal substances containing barbituric acid or its compounds, and biologicals (except those biologicals distributed to State and county health officers), and medicines containing substances of glandular origin (except intestinal enzymes *and all liver products),* shall be sold only by registered pharmacists or assistant pharmacists employed by or conducting a registered pharmacy. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00), or imprisonment for not more than one year, or either or both, in the discretion of the court.

Sec. 13, Act of May 17, P. L. 208, as last amended by the Act of April 24, 1933, P. L. 59. This section with Secs. 15 and 21, supply Sec. 1 of the Act of 1887, as amended by the Act of June 16, 1891, P. L. 313, and Sec. 5 of the Act of 1887, as amended by the Act of Mar. 24, 1905, P. L. 53.

24. EXAMINATION AND REGISTRATION; CERTIFICATES; MEETINGS OF BOARD. The State Board of Pharmacy shall meet at least four times a year in the city of Harrisburg, or such other place in Pennsylvania as they may deem expedient, and examine all persons in the science of pharmacy and its allied branches who shall make application for registration as pharmacists and that the said State Board of Pharmacy,[1] or a majority of them, shall grant to such persons as may be qualified, registration and certificates of competency and qualification, which shall entitle the holders thereof to all the privileges of a pharmacist under the provisions of this act, as may be specified therein.

[1] Licenses are now issued by the Department of Public Instruction. See Secs. 15 and 19 (h) supra.

Sec. 3, Act of May 17, 1917, P. L. 208, as amended by Act of April 13, 1945, P. L. 231. This section and Sec. 4 supply Sec. 5 of the Act of May 24, 1887, P. L. 189, as amended by the Act of Mar. 24, 1905, P. L. 53, and further amended by the Act of May 28, 1915, P. L. 591.

25. QUALIFICATIONS OF APPLICANTS. Every person applying to the Pennsylvania Board of Pharmacy for examination and registration as a pharmacist shall not be less than twenty-one years of age and of good moral character; and be a graduate of some reputable and properly chartered college of pharmacy, so recognized by the State Board of Pharmacy; and must produce satisfactory evidence of having had, subsequent to his sixteenth birthday, practical experience in the business or retailing, compounding, or dispensing drugs, chemicals, and poisons, and of compounding of physicians' prescriptions under the personal supervision of a registered pharmacist, one year of which practical experience must have been acquired within the United States.

The practical experience required of each applicant for examination and registration shall depend on the length of the course the applicant took in the college of pharmacy, of which he is a graduate in pharmacy, as follows:

(a) If a two years college course in pharmacy; then four years of practical experience.

(b) If a three years college course in pharmacy; then two years of practical experience.

(c) If a four years college course in pharmacy; then one year of practical experience.

Under subdivision (a) of this section the credit on the years of practical experience required, shall be given equal to the actual time of attendance in the college of pharmacy.

Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist, but such credit shall not in any case exceed six months.

In lieu of the above requirements of this section relative to the qualifications of applicants for examination and registration as pharmacists, any person who has been actively engaged for ten years or longer as a registered assistant pharmacist shall be qualified and entitled to take the examination for pharmacist, and upon satisfactorily passing such examination and payment of the prescribed fees shall be duly registered as a pharmacist.

Sec. 4, Act of May 17, 1917, P. L. 208, as last amended by Act of April 13, 1945, P. L. 231.

26. FEES. Each applicant for examination and registration as a pharmacist shall pay to the State Board of Pharmacy an examination fee of five dollars ($5.00). If the said applicant passes a satisfactory examination and complies with the rules and regulations, and with

the terms and conditions of this act of Assembly, then the said board shall grant the applicant registration, and a certificate of competency and qualification as a pharmacist, upon the payment of a fee of twenty dollars ($20.00), or such other sum as shall be fixed by the Department of Public Instruction under authority of law; provided said fee shall be paid to the said board within thirty days of the time that the said applicant is notified that a satisfactory examination has been passed.

The Department of Public Instruction shall provide for, regulate, and require all persons registered as pharmacists or as assistant pharmacists to register annually with the department, and shall prescribe the form of such registrations. The department shall require, as a condition precedent to such annual registration, the payment of such annual registration fee as shall be fixed according to law. The department may suspend or revoke the registration of such persons as fail, refuse, or neglect to register annually or pay such fee.

Sec. 5, Act of May 17, 1917, P. L. 208, as amended by the Act of April 13, 1945, P. L. 231.

27. APPRENTICES; REGISTRATION REQUIRED; FEES. On and after the approval of this act, every person who shall enter a pharmacy or drug store with the intention of becoming a pharmacist or assistant pharmacist shall make application to the State Board of Pharmacy on a form furnished by it for registration and certificate as registered apprentice. The fee for such registration and certificate shall be two dollars ($2.00), or such other sum as may be fixed by the Department of Public Instruction under authority of law.

Sec. 1, Act of Apr. 27, 1925, P. L. 299, supplementing the Act of 1917.

28. DUTY OF EMPLOYER. It shall be the duty of any registered pharmacist or other employer who takes into his or its employ an apprentice for the purpose of becoming a pharmacist or assistant pharmacist, to require such person to apply to the State Board of Pharmacy for registration as apprentice; and for failure to see that every apprentice employed by him or it is registered such registered pharmacist or other employer shall be liable as for a violation of this act.

Sec. 2, Act of Apr. 27, 1925, P. L. 299.

29. QUALIFICATIONS. Every applicant for apprentice registration must be at least sixteen years of age. The State Board of Pharmacy, with the approval of the Department of Public Instruction, shall establish the preliminary educational qualifications and furnish, upon request, proper blanks for the purpose of registration and authorize the Department of Public Instruction to issue certificate thereof.

Sec. 3, Act of Apr. 27, 1925, P. L. 299.

30. RIGHTS. A registered apprentice pharmacist shall have the right, in the presence and under the personal supervision of a pharma-

cist or assistant pharmacist, but not otherwise, to prepare or dispense recipes or prescriptions and to sell or furnish medicines or poisons.

Sec. 4, Act of Apr. 27, 1925, P. L. 299.

31. COMPUTATION OF TERM. The beginning of the term of practical experience required of applicants for registration as pharmacists or assistant pharmacists shall be computed from the date of registration as apprentice.

Sec. 5, Act of Apr. 27, 1925, P. L. 299.

32. PENALTIES. Any person violating any provision of this act shall upon conviction be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution.

Sec. 6, Act of Apr. 27, 1925, P. L. 299.

33. FOREIGN APPLICATIONS AND FEES; REGISTRATION. (a) That the Pennsylvania Board of Pharmacy may, in its discretion, register as a pharmacist, without examination, any person who is duly so registered by examination in some other state: Provided, That the said person shall produce satisfactory evidence of having had the required secondary and professional education, and is possessed of good character and morals, demanded of applicants for registration as pharmacists under the provisions of the pharmacy act of Pennsylvania, excepting that persons of good moral character, who have become registered as pharmacists by examination in other states prior to May seventeenth, one thousand nine hundred and seventeen, shall be required to meet only the requirements which existed in Pennsylvania at the time when they became registered in such other State: And provided also, That the State in which such person is registered shall grant registration as a pharmacist, without examination, to pharmacists duly registered by examination in the State of Pennsylvania. Applicants for such registration in Pennsylvania shall pay a fee of fifteen ($15) dollars for the application and expense of making an investigation of their character, general reputation, and pharmaceutical standing, in the State where they have resided, by the Pennsylvania Board of Pharmacy. A fee of twenty-five ($25) dollars shall be paid for the registration and certificate thereof.

Part of Sec. 16, Act of May 17, 1917, P. L. 208, as amended by Act of July 1, 1937, P. L. 2679.

34. CONFERENCES WITH OTHER STATES; RECIPROCITY. (b) The Pennsylvania Board of Pharmacy, in order to be informed and to determine the status of boards of pharmacy of other States desiring to effect agreements for reciprocal registration of pharmacists, and in order also to be advised regarding the progress of pharmacy throughout the country, shall annually select one of its members to meet with like representatives from other State boards of pharmacy. At such meetings when arranged, there shall be discussed the degree of fitness for registration which is required by the several State boards of pharmacy. The Pennsylvania Board of Phar-

macy, through its representatives, may, with like representatives from other State boards of pharmacy, join in creating and maintaining an association of representatives of the several State boards of pharmacy to be engaged in the general advancement of pharmacy and the keeping of records pertaining to reciprocal registration of pharmacists, and, in its discretion may give to such association information which it possesses relating to such aims and objects. The Pennsylvania Board of Pharmacy, at an expense not to exceed twenty-five ($25) dollars per annum, may subscribe for and secure the service of an association engaged in the compilation of pharmaceutical information, knowledge, and progress, specially adopted to secure efficiency in the work of the board.

Part of Sec. 16, Act of May 17, 1917, P. L. 208 as amended by Act of July 1, 1937, P. L. 2679.

35. REVOCATION OF REGISTRATION. The registration of any pharmacist or assistant pharmacist, under this act of Assembly, may be revoked by the Pennsylvania Board of Pharmacy,[1] when the registration is proved to have been obtained by fraudulent means, or suspended or revoked upon being convicted for a second violation, in connection with the practice of pharmacy, of any law of this Commonwealth or of the United States.

Before any registration is suspended or revoked, the holder of such registration certificate shall be given a hearing before the Board of Pharmacy, after notice of the time and place of such hearing and of the charges made against him. At such hearing the accused may be represented by counsel, and shall be entitled to compulsory attendance of witnesses.

Sec. 6, Act of May 17, 1917, P. L. 208, as amended by the Act of May 16, 1921, P. L. 613. See Secs. 66, 67 supra, as to revocation or suspension for use of habit forming drugs, or violations of act regulating sales, etc., thereof.

36. AUTHORIZED ACTS OF REGISTRANTS. LAWFUL TITLES. It shall be lawful for a pharmacist to take, use, and exhibit the titles: "pharmacist," "pharmacy," "druggist," "apothecary," or "drug store;" and to have charge of, engage in, conduct, or carry on, for himself or for another, the dispensing, compounding, or sale of drugs, chemicals, medicines, prescriptions, or poisons, anywhere within the State; but he shall have personal supervision of not more than one pharmacy at the same time.

It shall be lawful for an assistant pharmacist to take, use, or exhibit the title "assistant pharmacist;" and to assist in the dispensing, compounding, or retailing of drugs, chemicals, medicines, prescriptions, or poisons, in a pharmacy which is under the management and personal supervision of a pharmacist registered under the provisions of this act. He may also perform such duties during the temporary absence of the pharmacist regularly in charge.

Sec. 14, Act of May 17, 1917, P. L. 208.

[1] Now the State Board of Pharmacy.

37. UNLAWFUL USE OF TITLES. That it shall be unlawful for any person, firm, or corporation to use the title: "pharmacist," "assistant pharmacist," "druggist," or "apothecary," except as authorized by this act of Assembly, or hereafter to conduct or transact business under a name which contains as part thereof, with or without qualifying words, syllables, prefixes, or suffixes the words: "drug store," "pharmacy," "medicine store," "medicine shop," or "drug shop," or any term having a similar meaning, or in any manner by advertisement, circular, poster, sign, symbol, insignia, or otherwise, describe or refer to the place of business conducted or carried on by such person, firm, or corporation, by the terms "drug store," "pharmacy," or any other term having a similar meaning unless the place of business is a drug store or pharmacy duly registered and authorized by the State Board of Pharmacy. Any person, firm, or corporation violating this section of this act of Assembly shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and the costs of prosecution, and in default of the payment of such fine and costs shall be imprisoned for ten days.

Sec. 15, Act of May 17, 1917, P. L. 208 as last amended by Act of April 24, 1935, P. L. 70.

38. ENFORCEMENT. The Pennsylvania Board of Pharmacy[1] shall make uniform rules and regulations for the enforcement of this act, including the forms of application for registration in accordance therewith.

The Pennsylvania Board of Pharmacy[1] shall enforce the provisions of this act of Assembly, investigate all complaints and charges of noncompliance, and prosecute all persons so offending whenever reasonable ground shall appear for such action. All fines imposed through a violation of this act shall be paid to the Secretary of the Pennsylvania Board of Pharmacy,[1] and by him paid into the State Treasury, for use in the enforcement of this act of Assembly.[2]

Secs. 10 and 11, Act of May 17, 1917, P. L. 208; see also Par. 11 supra.

39. FALSE REPRESENTATIONS; PENALTIES. It shall be unlawful for any person to falsely make oath or affirmation to any statement in any application made to this board,[1] for registration as a pharmacist or assistant pharmacist, or to any statement in support of the experience claimed in any application by any applicant for registration under this act. Any person so doing shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and costs of prosecution.

Section 20, Act of May 17, 1917, P. L. 208.

40. FRAUDULENTLY OBTAINING CREDENTIALS; PENALTIES. Whoever, (a) for the purpose of misrepresenting his qualifications to the Department of Public Instruction or any professional

[1] Now the State Board of Pharmacy.
[2] Moneys used for enforcement purposes are now made by direct appropriation.

examining board within said department, buys, sells, or fraudulently or illegally makes or alters, gives, issues or obtains any literary, scientific, professional, or other degree, or constitutes any license, or certifies to the completion in whole or in part of any course of study in any university, college, high school, academy or other educational institution; or (b) personates or attempts to offer to personate another person in taking, or attempting, or offering to take any examination held in accordance with the rules of the Department of Public Instruction or of any of the professional examining boards within said department; or (c) takes, or attempts, or offers to take such an examination in the name of any other person; or (d) procures any other person falsely to take, or attempt, or offer to take any examination in his name; or (e) has in his possession question papers to be used in any such examination when not contained in their sealed wrappers, or copies of such papers or questions at any time prior to the dates set for such examination unless duly authorized by the Department of Public Instruction or agents thereof; or (f) sells or offers to sell question papers or any questions prepared for use in any examination held in accordance with the rules of the Department of Public Instruction or any professional examining board within said department; or (g) uses in any such examination any question papers or questions, or secures or prepares the answers to such questions, prior to the time set for the examination; or (h) transmits to the Department of Public Instruction answers to questions used in any such examination which are prepared or written outside of the period of examination, or alters any such answer after such period is closed; or (i) secures or attempts to secure any credential, regularly issued by the Department of Public Instruction or any professional examining board within said department, which is based upon such examinations or based upon a course or courses of study in any institution of learning or educational institution approved by the Department of Public Instruction which he has not actually passed or completed, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced for a first offense by a fine of not more than fifty dollars ($50), or imprisonment for not more than thirty (30) days, or both, and for a second or subsequent offense, by a fine of not more than two hundred and fifty dollars ($250), or imprisonment for not more than six (6) months, or both.

Sec. 698 of the Penal Code of 1939.

41. IMPERSONATION; PENALTY. It shall be unlawful for any person to impersonate an applicant before the Pennsylvania Board of Pharmacy,[1] who shall be applying for registration under the provisions of this act of Assembly. Any person violating this section of this act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of one hundred dollars ($100.00), or to undergo an imprisonment of six months in the county prison, or either or both, in the discretion of the court.

Sec. 9, Act of May 17, 1917, P. L. 208.

[1] Now the State Board of Pharmacy.

IV

REGISTRATION OF THE PLACES FOR THE MANUFACTURE OF DRUGS AND MEDICAL SUPPLIES.

42. Definitions. The following words as used in this act shall for the purposes of this act be construed as follows:

(a) "Drugs," means all medicines and preparations recognized in the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia for internal or external use, for the cure, mitigation or prevention of disease of either man or other animals.

(b) "Medical supplies," means in addition to drugs, biological products and all other parenteral medication, absorbent cotton, bandages, gauze, sutures, compacts, compresses, surgical dressings of all kinds and descriptions, and all other products, preparations, other than foods, used in the diagnosis, cure, mitigation or prevention of disease in man or other animals, or intended to affect the structure of any function of the body of man or other animals, but shall not include instruments, appliances or devices used by physicians, dentists, nurses or veterinarians in the pursuit of their professional practice.

(c) "Manufacture," includes manufacture, making, producing, packing, packaging or preparing drugs or medical supplies (but not compounding prescriptions for or selling drugs, or medical supplies) at retail, to the public, or repacking when in original packages of the manufacturer, or of manufacturers' consumer unit sale packages.

(d) The words "drug," and "medical supplies," as used in this act do not include surgical or dental instruments or laboratory materials, gases, oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts, or accessories or equipment, instruments, apparatus or contrivances used to render such articles effective in medical, surgical or dental treatment or for use or consumption in or for mechanical, industrial, manufacturing or scientific applications or purposes.

Sec. 1, Act of May 16, 1945, P. L. 615.

43. Registration Required.—No place of manufacture shall be conducted or kept open for the transaction of business until it has been registered with, and a certificate of registration, which shall not be transferable, has been issued by the State Board of Pharmacy.

Sec. 2, Act of May 16, 1945, P. L. 615.

44. Regulation of Manufacturer.—No drugs or medical supplies shall be manufactured in this Commonwealth except under the personal supervision of a registered pharmacist, chemist or other persons possessing at least five years' experience in the manufacture of said drugs or medicinal supplies, or such other person approved by the State Board of Pharmacy after an investigation and determination by the said board that such person is qualified by scientific or techni-

cal training or experience to perform such duties of supervision, as may be necessary, to protect the public health and safety.

Sec. 3, Act of May 16, 1945, P. L. 615.

45. Applications for Registration; Fees; Registration Year.—Application for registration and for certificate of registration required under the provisions of this act shall be made on forms prepared and furnished by the State Board of Pharmacy, and shall be accompanied by a fee of five dollars ($5.00), a separate application shall be made and a separate certificate of registration shall be required for each place of manufacture. Certificate of registration issued under the provisions of this act shall at all times be conspicuously displayed in the place of manufacture. Certificate of registration shall be issued for a registration year commencing July first of one year and expiring with June thirtieth of the year following.

Application forms for registration shall be mailed by the State Board of Pharmacy to each applicant or person to whom a certificate of registration has been issued, on or before the first day of June of each year, or shall be furnished on request, and if application is not made before the first day of July, the existing certificate of registration shall expire and become null and void on said date, except upon the production of good and sufficient evidence satisfactory to the State Board of Pharmacy, explaining the failure to file an application for a certificate of registration within the time prescribed by this act.

Sec. 4, Act of May 16, 1945, P. L. 615.

46. Inspection.—The State Board of Pharmacy, or its duly authorized agents, shall have the power to inspect, at all reasonable hours, in a lawful manner, the drugs and medical supplies in any place of manufacture and for such purposes shall have power to enter any place of manufacture and to require any person to permit an examination of the drugs and medical supplies which he is engaged in manufacturing, and to take samples of such drugs and medical supplies upon payment therefor, for the purpose of examining and testing the same.

Sec. 5, Act of May 16, 1945, P. L. 615.

47. Unlawful Acts.—It shall be unlawful for any manufacturer to manufacture, or sell, or offer for sale, package or have in possession with intent to sell any drug or medical supplies which are adulterated or misbranded within the meaning of this act.

Sec. 6, Act of May 16, 1945, P. L. 615.

48. Drugs Deemed Adulterated.—If inspection and testing of the drugs and medical supplies which purport to be drugs or medical preparations recognized in the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia, or any supplement to any of them, reveals that such drugs or medical supplies differ from the standard of strength, quality or purity as determined by the test or formula laid

down in the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of such inspection, such drugs or medical supplies shall for the purpose of this act be deemed to be adulterated: Provided, That no drugs or medical supplies defined in the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of inspection, except the preparations in which such drugs or medical supplies may be an ingredient in the formula thereof, shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated in juxtaposition with the official standard of strength, quality and purity upon the bottle, box or other container thereof although the standard may differ from that determined by the test or formula laid down by the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them, official at the time of investigation.

The drugs or medical supplies shall likewise be deemed to be adulterated if the strength, quality or purity shall fall below the professed quality under which the same is manufactured, prepared for distribution, sale or use.

Sec. 7, Act of May 16, 1945, P. L. 615.

49. Drugs Deemed Misbranded.—For the purpose of this act, drugs and medical supplies shall be deemed to be misbranded.

First. All drugs the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substance or substances contained therein which is false or misleading in any material particular.

Second. If it be an imitation of or offered for sale under the name of another article.

Third. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear statement on the label of the presence of any alcohol, narcotic, drug, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine or any derivative or any preparation of any such substances contained thereon: Provided, That nothing in this paragraph shall apply to the filling of written prescriptions furnished by practicing physicians, dentists and veterinarians and kept on file by pharmacists or as to such preparations as are specified and recognized by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary and the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its packages or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or fraudulent.

Sec. 8, Act of May 16, 1945, P. L. 615.

50. Formularies Required.—There shall be kept in each place of manufacture for which a certificate of registration is issued a copy of the latest revision of the United States Pharmacopoeia, and the latest edition of the National Formulary, which books must be available for and open to the inspection of the State Board of Pharmacy, or its duly authorized agents.

Sec. 9, Act of May 16, 1945, P. L. 615.

51. Refusal; Suspension; Revocation of Certificate of Registration; Appeals.—The State Board of Pharmacy may suspend or revoke any certificate of registration obtained by false representation made in the application therefor or when any place of manufacture makes, produces, packs or prepares or sells drugs or medical supplies, except under the personal supervision of a registered pharmacist, or other person possessing at least five years' experience in the manufacture of said drugs or medical supplies, or such person approved by the State Board of Pharmacy, as provided herein. Any person to whom a certificate of registration has been issued, aggrieved by the action of the State Board of Pharmacy, in suspending or revoking a certificate of registration, may appeal from the action of the board by petition to the Court of Common Pleas of Dauphin County. Such appeals must be taken within thirty days after such suspension or revocation. No appeal shall act as a supersedeas.

Sec. 10, Act of May 16, 1945, P. L. 615.

52. Rules and Regulations.—The State Board of Pharmacy shall after a public hearing have power from time to time to adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act, and as it deems necessary for the protection of the public health and safety with respect to the sanitation, materials, equipment and supplies of places of manufacture for which certificates of registration are issued.

Sec. 11, Act of May 16, 1945, P. L. 615.

53. Equity Jurisdiction.—The State Board of Pharmacy may in its discretion, in addition to other remedies provided for in this act, apply to any court of common pleas having jurisdiction over the parties for a writ of injunction to restrain repetitious violations of the provisions of this act.

Sec. 12, Act of May 16, 1945, P. L. 615.

54. Penalties.—Any person violating any of the provisions of this act, or any of the rules and regulations adopted thereunder, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or undergo imprisonment, for a period of not less than one month nor more than six months, or both.

Sec. 13, Act of May 16, 1945, P. L. 615.

V.

LICENSURE AND CONDUCT OF PHARMACIES

55. REGISTRATION AND PERMIT REQUIRED; EXCEPTIONS. No pharmacy, as defined by the act to which this is a supplement, shall be kept open for the transaction of business until it has been registered with and a permit therefor has been issued by the Pennsylvania Board of Pharmacy[1]: Provided, however, That this section shall not be construed to apply to any store or stores opened for the sale of proprietary or so-called patent medicines.

Sec. 1, Act of May 26, 1921, P. L. 1172. This act is a supplement to the Act of May 17, 1917, P. L. 208.

56. ISSUANCE OF PERMITS; FEE; DISPLAY. Upon application, on a form to be prescribed and furnished it, and the payment of a fee of two dollars ($2.00)[2] the Pennsylvania Board of Pharmacy[1] shall issue a permit to conduct a pharmacy to such persons, associations, co-partnerships, or corporations, as the board deems qualified to conduct such business. All permits issued under the provisions of this act shall be exposed in a conspicuous place in the pharmacy for which it was issued, and shall expire on the first day of July following the date of issue. No permit shall be issued unless it appears to the satisfaction of the board that the management of the pharmacy is in the charge of a pharmacist registered under the provisions of the act to which this is a supplement. All permit fees collected under the provisions of this act shall be paid into the State Treasury.

Sec. 2, Act of May 26, 1921, P. L. 1172.

57. REVOCATION OR SUSPENSION OF PERMITS; HEARINGS. The Board of Pharmacy may suspend or revoke any permit obtained by false representations made in the application therefor, or when the pharmacy for which a permit shall have been issued is kept open for the transaction of business without a registered pharmacist in charge thereof, and upon conviction for a second or any subsequent violation of any law of this Commonwealth or of the United States pertaining to the drug store business or the sale of intoxicating liquors, or for aiding or abetting in the violation of any such law. Before any permit is suspended or revoked, the holder thereof shall be given a hearing before the Board of Pharmacy, after notice of the time and place of such hearing and of the charges made against such holder. At such hearing the accused may be represented by counsel, and shall be entitled to compulsory attendance of witnesses.

Three members of the board shall be a quorum for any such hearing.

No permit shall be suspended or revoked except by the vote of three or more members of the board.

Sec. 3, Act of May 26, 1921, P. L. 1172.

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[1] Now the State Board of Pharmacy.
[2] For the fixing of this fee, see section 20 supra.

58. PENALTIES. Any person, association, co-partnership, or corporation violating any of the provisions of this act is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200.00), or, in case of an individual or the members of an association or co-partnership or the officers or directors of a corporation, to undergo an imprisonment for not more than six months, or both.

Sec. 4, Act of May 26, 1921, P. L. 1172.

59. DISPLAY OF CERTIFICATES. PENALTY. All certificates as pharmacist or assistant pharmacists, and permits to conduct a pharmacy, and the annual renewals thereof, issued under the authority of the Commonwealth of Pennsylvania, shall at all times be conspicuously exhibited in the place of business where the pharmacist or assistant pharmacist is employed. Any person violating this section of this act of Assembly, as to the display of his permit or his own or his employes' certificates, shall, upon conviction, be sentenced to pay a fine of ten dollars ($10.00) and the costs of prosecution.

Sec. 8, Act of May 17, 1917, P. L. 208, as amended by the Act of April 13, 1945, P. L. 231.

60. FORMULARIES REQUIRED. PENALTIES. There shall be kept in every pharmacy a copy of the latest revision of the United States Pharmacopoeia, and the latest edition of the National Formulary, and, if homeopathic remedies are compounded and dispensed, a copy of the latest revision of the American Homeopathic Pharmacopoeia, or the Homeopathic Pharmacopoeia of the United States, which books must be open to the inspection of the Pennsylvania Board of Pharmacy[1] or the agents thereof. Any person violating this section of this act of Assembly shall, upon conviction, be sentenced to pay a fine of ten dollars ($10.00) and the costs of prosecution.

Sec. 7, Act of May 17, 1917, P. L. 208.

61. PHYSICIANS' PRESCRIPTIONS TO BE FILLED. INSPECTION. All physicians' prescriptions compounded and dispensed shall be kept on file in the pharmacy in which compounded for a period of at least five years, and during that time the same shall be open to the inspection of the police authorities, upon presentation of an order from the court, or to the members of the Pennsylvania Board of Pharmacy[1].

Sec. 19, Act of May 17, 1917, P. L. 208.

62. UNREGISTERED PERSONS IN CHARGE OF PHARMACY UNLAWFUL. PENALTY. It shall be unlawful for any unregistered person to have charge of a pharmacy; and anyone who permits any person, who is not registered or deemed to be a pharmacist or assistant pharmacist under this act, to take charge of a pharmacy, shall be guilty of a misdemeanor and either or both shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and costs of prosecution.

Sec. 21, Act of May 17, 1917, P. L. 208. Sec. 6, Act of May 24, 1887, P. L. 189.

[1] Now the State Board of Pharmacy.

VI

LAWS REGULATING THE SALE ETC., OF PHARMACEUTICAL PRODUCTS

(a) Poisons Generally

63. DEFINITION OF POISONS. A poison, in the meaning of this act of Assembly, shall be any drug, chemical, or preparation which, according to standard works on medicine, toxicology, or materia medica, is liable to be destructive to adult human life, in quantities of sixty grains or less; or any mixture, compound or prepartion containing, in sixty grains or less, a sufficient quantity of any such drug, chemical, or preparation as to make the same liable to be destructive to adult human life, if sixty grains or less were to be taken.

Part of Sec. 17, Act of May 17, 1917, P. L. 208.

64. SALES; LABEL. No person shall sell at retail or dispense any poison, except as herein provided, without affixing to the bottle, box, vessel, or package containing same a label, printed or plainly written, containing the name of the article, the word "poison" and the name and place of business of the seller; nor shall he deliver poison to any person without satisfying himself that the purchaser understands the poisonous nature of the article, and that such poison is to be used for legitimate purposes.

Part of Sec. 17, Act of May 17, 1917, P. L. 208. This section supplies Sec. 10, Act of May 24, 1887, P. L. 189, and Sec. 70, Act of March 31, 1860, P. L. 382.

65. RECORD OF SALES. It shall be the further duty of anyone selling at retail or dispensing any poison, which, according to standard works on medicine, toxicology or materia medica, is liable to be destructive to adult human life, in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose the name of the seller, the name and address of the buyer, the name of the article, the quantity sold or disposed of, the date on which sold, and the purpose for which it is said to be intended. Such book of registry shall be preserved for at least two years from the last date of entry, and shall at all times be open to inspection of the coroner, police authorities, or the agents of the Pennsylvania Board of Pharmacy: Provided, however, That the provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles, nor to the sale of mixed paints of all kinds, white lead and colors ground in oil, and all lead products for technical purposes.

Part of Sec. 17, Act of May 17, 1917, P. L. 208. The Act of May 24, 1887, P. L. 189, also exempted from its provisions insecticides containing poisons.

66. EXCEPTIONS OF SALES FOR TECHNICAL USE. This act shall not apply to the sale of poisons for technical use, and not sold or offered for sale as a drug within the meaning of this act; provided that the article is labeled to show plainly that it is for technical use

and not for medicinal use, and is sold in compliance with section seventeen of this act of Assembly.

Sec. 18, Act of May 17, 1917, P. L. 208, as amended by the Act of May 8, 1919, P. L. 122.

67. PENALTIES. Any person violating this section[1] of this act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100.00).

Part of Sec. 17, Act of May 17, 1917, P. L. 208.

(b) Narcotics

68. DRUGS DEFINED. Except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include: (a) Opium; or (b) cocoa leaves; or (c) marihuana; (d) any compound or derivative of opium, cocoa leaves, or marihuana; or (e) any substance or preparation containing opium, cocoa leaves, or marihuana; or (f) any substance or preparation containing any compounds or derivative of opium, cocoa leaves, or marihuana and any substance identified chemically as l-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, or any salt or derivative thereof, by whatever trade name, designated, or any preparation containing such substance or its salts or derivatives.

Sec. 1, Act of July 11, 1917, P. L. 758, as amended by the Act of April 12, 1945, P. L. 225. The Act of 1917 is considered to have repealed by implication the Act of May 8, 1909, P. L. 487.

69. EXCEPTIONS TO DEFINITION; SALES TO HABITUAL USERS OR CHILDREN PROHIBITED. The word "drug" shall not be construed to include—(1) preparations and remedies and compounds which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them, in one fluid ounce, if the same is liquid; or, if solid or semi-solid, in one avoirdupois ounce; (2) liniments, ointments, or other preparations, prepared and dispensed in good faith for external use only, providing such liniments, ointments, and preparations do not contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts; or any synthetic substitute for cocaine or eucaine or their salts; (3) decocanized coca leaves, or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine:

Provided, however, That no preparations, remedies, or compounds containing any opium or coca leaves, or any compounds or derivative thereof, in any quantity whatsoever, may be sold, dispensed, distributed, or given away to, or for the use of, any known habitual user of drugs or any child of twelve years of age, or under, except in pursuance of a prescription of a duly licensed physician or dentist.

[1] See Secs. 64, 65 and 56.

Sec. 2, Act of July 11, 1917, P. L. 758, as amended by the Act of Apr. 20, 1921, P. L. 152.

70. "PERSON" AND "PRESCRIPTION" DEFINED. The word "person," as used in this act, shall be construed to include an individual, a copartnership, a corporation, or an association. Masculine words include the feminine or neuter. The singular includes the plural. The word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug. The word "physician," as used in this act, shall be construed to include physician, surgeon, osteopathic physician and osteopathic surgeon.

Sec. 3, Act of July 11, 1917, P. L. 758, as amended by Act of April 12, 1945, P. L. 225.

71. POSSESSION, SALE, ETC., PROHIBITED; EXCEPTIONS. No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs.

This section does not apply, in the regular course of their business, profession, employment, occupation, or duties, to—(a) manufacturers of drugs; (b) persons engaged in the wholesale drug trade; (c) importers or exporters of drugs; (d) registered pharmacists actually engaged as retail druggists; (e) bona fide owners of pharmacies or drug stores; (f) licensed physicians; (g) licensed dentists; (h) licensed veterinarians; (i) persons in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township of this Commonwealth, and having such drugs in their possession by reason of their official duties; (j) warehousemen, or common carriers, engaged, bona fide, in handling or transporting drugs; (k) persons regularly in charge of drugs in dispensaries, hospitals, asylums, sanatoriums, poorhouses, jails, penitentiaries, or public intitutions; (l) nurses under the supervision of a physician; (m) persons in charge of a laboratory where such drugs are used for the purpose of medicinal or scientific research only; (n) captains, or proper officers, of ships upon which no regular physician is employed, for the actual medical needs of the officers and crews of their own ship only; (o) persons having said drugs in their possession for their own personal use only, provided that they have obtained the same in good faith for, their own use, from a duly licensed physician or dentist, or in pursuance of a prescription given them by a duly licensed physician or dentist; (p) persons having said drugs in their possession for the use of an animal belonging to them, provided that they have obtained the same in good faith, from a duly licensed veterinarian, for the use of such animal, or in pursuance of a prescription given by a duly licensed veterinarian; (q) persons in the bona fide employ of any of the persons above enumerated.

Sec. 4, Act of July 11, 1917, P. L. 758.

72. USE OR ADMINISTRATION UNDER ADVICE OF PHYSICIAN OR DENTIST. No person shall use, take, or administer to his person, or cause to be administered to his person or administer to any other person, or cause to be administered to any other person, any of the aforesaid drugs, except under the advice and direction and with the consent of a regularly practicing and duly licensed physician or dentist.

Sec. 5, Act of July 11, 1917, P. L. 758.

73. SALES BY MANUFACTURERS, WHOLESALERS, ETC., WRITTEN ORDER; PRESERVATION AND INSPECTION. No manufacturer, producer, importer, exporter or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away, any of said drugs except to—(a) a duly licensed physician; (b) a duly licensed pharmacist; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a manufacturer of drugs; (f) a person engaged in the wholesale drug trade and regularly selling drugs; (g) an exporter of drugs; (h) a bona fide hospital, dispensary, asylum or sanatorium; (i) a public institution; (j) a bona fide owner of a pharmacy or drug store; (k) a person in a foreign country; (l) a person in charge of a laboratory where such drugs are used for the purpose of scientific and medical research only; (m) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (n) a person in the employ of the United States, of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No manufacturer, producer, importer, or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drug is sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years in such a way that it will be readily accessible to inspection by the proper authorities.

Sec. 6, Act of July 11, 1917, P. L. 758.

74. SALES BY PHARMACISTS; WRITTEN ORDER; PRESERVATION AND INSPECTION. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of a pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer

of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

Sec. 9, Act of July 11, 1917, P. L. 758.

75. SALES AT RETAIL; PRESCRIPTIONS; LABELS. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

Whenever a pharmacist sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold, or dispensed, a label

showing date, his own name, address, and registry number, or the name, address and registry number of the pharmacist for whom he is lawfully acting; the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal, and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian by whom the prescription was written and such directions as may be stated on the prescription. Whenever a physician, dentist, or veterinarian dispenses any narcotic to a patient, there must be affixed to the container in which said drug is dispensed, a label showing date, his own name, address, and registry number, the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. No person shall alter, deface, or remove any label so affixed.

A person to whom, or for whose use any narcotic drug has been prescribed, sold, or dispensed by a physician, dentist, apothecary, or other person authorized under the provisions of section four of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Sec. 7, Act of July 11, 1917, P. L. 758, as amended by Act of April 12, 1945, P. L. 225.

76. SALES AND USES RESTRICTED; SALES TO HABITUAL USERS; REPORTS TO DEPARTMENT OF HEALTH. No physician or dentist shall sell, dispense, administer, distribute, give, or prescribe any of said drugs to any person known to such physician or dentist to be an habitual user of any said drugs, unless said drug is prescribed, administered, dispensed, or given for the cure or treatment of some malady other than the drug habit: Provided, however, That if any physician desires to undertake, in good faith, the cure of the habit of taking or using opium or any of its derivatives in any form, such physician may prescribe or dispense opium or its derivative to a patient under proper nursing supervision or institutional care, provided such opium or its derivatives are prescribed or dispensed in good faith for the purpose of curing such patient of such habit, and not merely for the purpose of satisfying a craving for the drug. In the treatment of drug addiction, as such narcotics, must not be furnished either on dispensing or prescribing in writing by physicians to the addict himself, but must be personally administered by the physician, or be placed in the hands of a nurse, or other reliable person who is not an addict and who is held personally responsible for carrying out the directions of the physician in charge. Written records must be kept of all such administration of narcotics. In every such case the physician shall himself make a physical examination of the patient and shall report, in writing, within seventy-two hours, to the Department of Health, the name and address of such patient, together with his diagnosis of the case and the amount and nature of the drug prescribed or dispensed in

the first treatment. When the patient leaves his care, such physician shall report, in writing, within seventy-two hours, to the Department of Health the result of his said treatment. Any person who, in the course of treatment, is supplied with narcotic drugs or a prescription therefor by the treating physician, and who, without disclosing the fact to such physician is supplied during such treatment with narcotic drugs or a prescription therefor by another physician, shall be guilty of a violation of this article. No person shall obtain, or attempt to obtain, a narcotic drug, or procure, or attempt to procure, the administration of a narcotic drug: (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription, or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address. Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication. No person shall wilfully make a false statement in any prescription, order, report, or record required by this article. No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of or represent himself to be a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or other authorized person. No person shall make or utter any false or forged prescription, or false or forged written order. No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

77. PENALTY FOR DIVULGING INFORMATION IN REPORT TO DEPARTMENT OF HEALTH. Any person divulging any information contained in any such report, except for the purpose of enforcing this act, or to a physician who may, in the opinion of the Secretary of Health be entitled to such information for the purpose of enabling him to comply with the provisions of this act, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court: Provided, That it shall be lawful for the Department of Health to advise the Department of Revenue, upon its request in writing, whether or not any offender against the laws relating to the operation of motor vehicles is listed with said Department of Health as an habitual user of narcotic drugs.

Sec. 8, Act of July 11, 1917, P. L. 758, as last amended by Act of April 12, 1945, P. L. 225.

78. PHYSICAL EXAMINATION BEFORE ADMINISTRATION REQUIRED. No physician, dentist, or veterinarian shall administer, dispense, give away, deliver, or prescribe any of said drugs, except after a physical examination of the person or animal for whom said drugs are intended; said examination to be made at the time said prescription is issued, or at the time said drug is administered, dispensed, given away, or delivered by said physician, dentist, or veterinarian. No veterinarian shall sell, dispense, distribute, give, or prescribe any drug for the use of a human being.

Sec. 9, Act of July 11, 1917, P. L. 758.

79. PRESERVATION OF RECORDS BY PHYSICIANS, DENTISTS AND VETERINARIANS. Every physician, dentist, and veterinarian shall keep a record of all said drugs administered, dispensed, or distributed by him, showing the amount administered, dispensed, or distributed, the date, the name and address of the patient; and, in the case of a veterinarian, the name and address of the owner of the animal to whom such drugs are dispensed or distributed; such record shall be kept for two years from the date of administering, dispensing, or distributing such drug, and shall be opened for inspection by the proper authorities. No record need be kept of any drug administered in an emergency case.

Sec. 10, Act of July 11, 1917, P. L. 758.

80. REVOCATION OF PROFESSIONAL LICENSES FOR HABITUAL USE OF DRUGS. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be either revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing, upon proof that the licensee is addicted to the use of any said drugs, after giving such liceinsee reasonable notice and opportunity to be heard.

Sec. 14, Act of July 11, 1917, P. L. 758.

81. REVOCATION OF PROFESSIONAL LICENSES FOR VIOLATIONS OF ACT. The appropriate professional licensing boards in the Department of Public Instruction are hereby authorized to revoke or suspend the registration or license of any physician, surgeon, dentist, veterinarian, pharmacist, druggist, or registered nurse when such person has pleaded guilty, entered a plea of nolo contendere, or has been found guilty by a judge of violating any State or Federal law pertaining to the sale, use or distribution of narcotics.

Before any registration or license is suspended, or revoked, the holder thereof shall be given a hearing before the appropriate board after notice of the time and place of such hearing and of the charges made against him. At such hearing the accused may be represented by counsel and shall be entitled to compulsory attendance of witnesses.

Sec. 15, Act of July 11, 1917, P. L. 758, as amended by Act of April 12, 1945, P. L. 225.

82. TREATMENT OF HABITUAL USERS IN INSTITUTIONS; REPORTS TO DEPARTMENT OF HEALTH. This act shall not be construed to apply to the treatment of habitual users of drugs in public hospitals, sanatoriums, poorhouses, prisons, or public institutions, except that all such public institutions shall render an annual report to the State Department of Health, giving therein names, addresses, ages, clinical conditions, and the results of treatment of all habitual users or drugs given treatment in said institutions.

Sec. 11, Act of July 11, 1917, P. L. 758, as amended by the Act of Apr. 20, 1921, P. L. 152.

83. ENFORCEMENT BY DEPARTMENT OF HEALTH; DUTIES, ETC. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania; and for that purpose the Commissioner of Health[1] is hereby authorized to establish in the Department of Health, a bureau or division for such purpose, and to employ such assistants, stenographers, inspectors, clerks and other employes as, in his opinion, may be necessary, and to fix their compensation. For the purpose of enforcing the provisions of this act, the Commissioner of Health[1] and his assistants, either in said bureau or division or any other bureau or division of his department, shall have the right to examine, at any time, any or all of the records required by this act to be kept; and the Commissioner of Health[1] may further require persons dealing in, buying, selling handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities of this Commonwealth from enforcing the provisions of this act.

The Commissioner of Health[1] shall appoint, subject to the approval of the Governor in each instance, inspectors in said bureau, who shall be authorized and empowered to make arrests, without warrant, for all violations of this act by any person or persons who are not taxed as legal dealers in opium, et cetera, by the Government of the United States.

Sec. 16, Act of July 11, 1917, P. L. 758, as amended by the Act of Apr. 20, 1921, P. L. 152.

The provisions of this section have been carried over into Sec. 2108 of the Administrative Code of 1929, which gives power to the Department of Health to supervise the enforcement of, and administer laws in regard to narcotic drugs.

84. VIOLATIONS; PENALTIES; LIABILITY OF OFFICERS, ETC., OF CORPORATIONS. Any person who shall violate, or fail to comply with, any of the provisions of this act, except as provided in the last paragraph of section eight[1] shall be guilty of a felony; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court. If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Sec. 12, Act of July 11, 1917, P. L. 758, as amended by the Act of June 22, 1931, No. 227.

85. BURDEN OF PROOF. In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act

[1] See Secs. 66, 67 supra.

in any complaint, information, or indictment. The burden of proving any exemption under this act shall be upon the defendant.

Sec. 13, Act of July 11, 1917, P. L. 758.

86. OPIUM JOINTS. Whoever sets up or establishes or causes to be set up or established, any apparatus or device, or instrument whereby opium may be smoked or used in any manner by other persons, or procures, permits, suffers or allows persons to collect and assemble at or in a place under his control, for the purpose of smoking opium or using opium in any manner, or being the owner, tenant, lessee or occupant of any premises, leases, hires or rents the same, or any part thereof, to be used and occupied or employed for the purpose of smoking opium, or using opium in any way or manner by other persons, is guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

The owner of any premises who has received information of any such smoking or use of opium in or upon the said premises, and who fails, within ten days thereafter, to cause complaint to be made against the person who has set up or established the same, shall be deemed to have knowingly leased, hired or rented the premises for unlawful purposes.

Sec. 608 of the Penal Code of 1939.

87. KEEPING AND EXHIBITING OPIUM SMOKING APPARATUS. Whoever keeps or exhibits any apparatus, device or instrument for the smoking or using of opium in any manner, by other persons, or aids or assists or permits others to do the same, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment not exceeding one (1) year or to pay a fine not exceeding five hundred dollars ($500), or both.

Sec. 609 of the Penal Code of 1939.

88. FREQUENTING OPIUM JOINTS. Whoever is found smoking or using opium in any place set up or established for smoking opium or using opium, or in any way or manner aids, assists, abets or permits the smoking or use of opium in any such manner, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars ($500), or both.

Sec. 610 of the Penal Code of 1939.

89. ENTICING PERSONS INTO OPIUM JOINTS. Whoever solicits, invites, persuades, or prevails on any person to visit any place kept for the purpose of smoking or using opium, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

Sec. 611 of the Penal Code of 1939.

90. SALE OF POISONS. Whoever sells or disposes of by retail, any morphia, strychnia, arsenic, prussic acid, carbolic acid, or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant, of full age, of the town or place in which such sale shall be made, or without carefully and legibly marking or placing upon the label, package, bottle, or other vessel or thing in which such poison is contained, the word poison, or unless, when sold or disposed of otherwise than under the prescription of a physician, the apothecary, druggist, or other person selling or disposing of the same, notes in a register kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale, is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo an imprisonment not exceeding one (1) year, or both.

Sec. 639 of the Penal Code of 1939.

91. FORFEITURE OF VEHICLE CONTAINING NARCOTICS. Any wagon, buggy, motor vehicle, water or air craft or other vehicle or conveyance in which is stored, contained or transported any narcotics or drugs, the possession or transporting of which is in violation of any law of this Commonwealth, shall be forfeited to the Commonwealth subject to the provisions hereafter set forth: Provided, however, That nothing herein contained shall be construed to apply to common carriers by railroad subject to Part 1 of the Interstate Commerce Act.

Sec. 1, Act of July 3, 1941, P. L. 263.

92. RETURN OF SEIZED VEHICLE TO OWNER. BOND. Whenever any officer shall discover any vehicle used as referred to in section one hereof, he shall take possession of such vehicle and shall forthwith deliver possession thereof to the district attorney of the county wherein said seizure occurred, or to the person designated by him, to abide the judgment of the court: Provided, however, That the said vehicle, team, conveyance, craft or receptacle shall be returned to the owner upon the execution by him of a good and valid bond with sufficient sureties in the sum double the value of the vehicle, to be approved by the magistrate, alderman or justice of the peace or a judge of the court of quarter sessions, conditioned that the said vehicle shall be delivered to the district attorney of the county or the person designated by him at the time of the condemnation proceedings, hereinafter provided in this act, to abide the judgment of the court, or otherwise to remain in full force and virtue; said bond to be payable to the Commonwealth of Pennsylvania for the use of the county in which said conviction is had. Said bond shall be returned to the court of quarter sessions and there held to abide the final disposition of the case: Provided further, That no such vehicle when in the custody of the law or of any officer shall be seized or taken therefrom on any writ of replevin or other like process.

Sec. 2, Act of July 3, 1941, P. L. 263.

93. HEARING. If upon hearing it appears that any such vehicle has been used to store, possess or transport any narcotic or drug, the transportation or possession of which is unlawful, such vehicle shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided.

Sec. 3, Act of July 3, 1941, P. L. 263.

94. SALE. NOTICE. In the case of any such vehicle seized and condemned as aforesaid the court shall order a public sale thereof by the sheriff of the county, notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias, the proceeds of such sale to be paid to the county treasurer for the use of the county. In the event that any such vehicle is, when so seized, held and possessed, under a bailment lease or contract and the legal title thereto is in another person, or in the event that any such vehicle is, when so seized, subject to the lien of a chattel mortgage or to a contract of conditional sale, and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent, then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract or conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided. In case it appears at said hearing that the owner of any such vehicle has not been found within the jurisdiction of the court the sheriff shall give ten (10) days' notice of said sale by registered letter to the person, if any, whose name appears thereon as the manufacturer thereof, together with the manufacturer's number if any appearing thereon.

Sec. 4, Act of July 3, 1941, P. L. 263.

95. PROCEDURE; SERVICE OF NOTICE; CLAIM FOR POSSESSION; JURY TRIAL. (1) The proceedings for the forfeiture or condemnation of all vehicles, the sale of which is provided for herein, shall be in rem, in which the Commonwealth shall be the plaintiff and the vehicle the defendant. A petition shall be filed in the court of quarter sessions of the peace verified by oath or affirmation of any officer or citizen containing the following: (a) a description of the vehicle so seized; (b) a statement of the time and place where seized; (c) the owner, if known; (d) the person or person in possession, if known; (e) an allegation that same had been used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of a law of the Commonwealth, (f) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law, unless cause be shown to the contrary.

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court, or upon

the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

"To the Claimant of within Described Property:

"You are required to file an answer to this petition, setting forth your title in, and right to possession of, said vehicle within fifteen (15) days from the service hereof, and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said vehicle."

Said notice shall be signed by the district attorney.

(3) If the owner of said vehicle is unknown or outside the jurisdiction of the court and there was no person in possession of said vehicle when seized or such person so in possesion can not be found within the jurisdiction of the court, notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such vehicle shall have been seized, once a week for three (3) successive weeks. Said notice shall contain a statement of the seizure of said vehicle with a description therof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which date shall not be less than twenty-one (21) days from the date of the first publication.

(4) Upon the filing of any claim for said vehicle, setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

(5) At the time of said hearing, if the Commonwealth shall produce evidence that the vehicle in question was unlawfully used, the burden shall be upon the claimant to show (a) that he is the owner of said vehicle or the holder of a chattel mortgage or contract of conditional sale thereon; (b) that he lawfully acquired the same; (c) that it was not unlawfully used or possessed by him, and (d) in the event that it shall appear that the vehicle was unlawfuly used by a person other than the claimant, then such claimant shall show that such unlawful use was without his knowledge or consent.

(6) Any person claiming the ownership of, or right of possession to, or claiming to be the holder of a chattel mortgage or contract of conditional sale upon, any such vehicle, the disposition of which is provided for herein may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto, and if, upon public hearing thereon, due notice of which having been given to the district attorney, such claimant shall prove by competent evidence to the satisfaction of the court that said vehicle was lawfully acquired, possessed and used by him or if, it appearing that the vehicle was unlawfully used by a person other than the claimant, he shall prove that such unlawful use was without his knowledge or consent, then the court may order the same returned or delivered to said claimant; otherwise it shall be sold as hereinabove provided.

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the

hearing the right to such jury trial shall be deemed to have been waived.

Sec. 5, Act of July 3, 1941, P. L. 263.

96. OPERATION OF AIRCRAFT WHILE UNDER INFLUENCE OF NARCOTICS. It shall be unlawful for any person to commit any of the following acts:

(a) To operate or navigate aircraft while under the influence of intoxicating liquor or narcotic drug or habit producing drug, or permit any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate or navigate any aircraft owned by him or in his custody or control, or to carry in any aircraft any passenger who is visibly under the influence of intoxicating liquor, narcotic drug or other habit producing drug.

Any person violating any of the provisions of subsection (a) or (e) of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof in a court of quarter sessions, be sentenced to pay a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars and the cost of prosecution, or undergo imprisonment for not more than one year, or suffer both such fines and imprisonment.

Sec. 601 of the Act of May 25, 1933, P. L. 1001, as amended by Act of June 21, 1937, P. L. 1965.

(c) Caustic Acids and Alkalies

97. "CAUSTIC" DEFINED. The word "caustic" shall, within the intent and purpose of this act, be construed to mean any acids or alkalies in liquid or powdered form, or preparations thereof, or containing free or chemically unneutralized hydrochloric acid in a concentration of ten (10) per centum, or sulphuric acide in a concentration of ten (10) per centum, or nitric acid in a concentration of five (5) per centum, or carbolic acid (phenol) in a concentration of five (5) per centum, or oxalic acid in a concentration of ten (10) per centum, or acetic acid in a concentration of twenty (20) per centum or hypochlorous acid (calx chlorinata, bleaching powder, or chloride of lime) in a concentration of one hundred per centum (100), or potassium hydrate (caustic potash, Vienna paste, pearlash, potassa carbonas) in a concentration of ten (10) per centum, or sodium hydrate (caustic soda, concentrated lye) in a concentration of twenty (20) per centum, or silver nitrate (lunar caustic) in a concentration of five (5) per centum.

Sec. 2, Act of May 7, 1923, P. L. 139.

98. REGULATION OF SALES; LABELS. On and after the first day of January, one thousand nine hundred and twenty-four, it is unlawful for any person or copartnership or corporation to sell, at wholesale or retail, within this Commonwealth, any caustic acids or caustic alkalies, or preparations containing such acids or alkalies, intended for household use, or mineral or chemical salts for agriculture

purposes, without affixing to the bottle, box, vessel, sack, or package containing the same, a label printed or plainly written, containing the name of the article, the name and place of business of the manufacturer, seller, or distributor of such household acids, alkalies, or preparations thereof, and in addition the word "Poison" which shall conspicuously appear thereon in capital letters, not less than twenty-four point size, or which shall be affixed thereto as a sticker, conspicuously placed: Provided, That in the case of mineral or chemical salts, including nitrate of soda, sulphate of ammonia, muriate of potash, sulphate of potash, intended or sold for agriculture purposes, the sacks, packages, or other containers, or attached cards or labels, shall have printed thereon, as hereinbefore provided, the words "Poisonous to live stock."

Sec. 1, Act of May 7, 1923, P. L. 139.

99. PENALTIES. Any person or copartnership or corporation violating section one of this act of Assembly is guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than one hundred dollars and the costs of prosecution.

Sec. 3, Act of May 7, 1923, P. L. 139.

(d) Products Containing Methyl or Wood Alcohol

100. SALES FOR INTERNAL OR EXTERNAL USE PROHIBITED. Whoever sells, or offers or exposes for sale, or has in his possession with intent to distribute or sell, any food, drug, preparation, or mixture of any kind, intended for internal use, which contains methyl or wood alcohol, or sells or offers or exposes for sale, or has in his possession with intent to sell or distribute, or use upon or apply to the body of another, any drug, hair tonic, bay rum, or similar preparation, intended for external use, which contains methyl or wood alcohol, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

This section does not apply to veterinary remedies containing methyl or wood alcohol, when such remedies are plainly labeled in such a manner as to indicate that they are intended solely for external use on animals, nor does this section apply to medicated liniments used for external use.

Sec. 637 of the Penal Code of 1939.

(e) Ethyl Alcohol

101. MANUFACTURE, SALE, ETC., UNDER LICENSE. Hereinafter it shall be lawful for any person, firm, or corporation formed for the purpose, to engage in the manufacture or distillation and sale

of ethyl alcohol for medicine, scientific, commercial, or other lawful purposes, provided a license therefor shall be obtained as hereinafter provided.

Sec. 1, Act of July 21, 1919, P. L. 1069.

102. PETITION FOR LICENSE. Any person, firm, or corporation, before engaging in the manufacture and sale of ethyl alcohol as herein provided, shall file a petition in the office of the Secretary of the Commonwealth, verified by affidavit, which shall set forth:

1. The name of the applicant, and, if a partnership, the names of all the members thereof.
2. The location of the factory or distillery.
3. The production capacity of the factory or distillery.
4. The location of the principal office of the applicant.

Sec. 2, Act of July 21, 1919, P. L. 1069.

103. ISSUANCE OF LICENSE FEE. If the petition be in proper form, a license for one year, as herein provided, shall be issued to the applicant, upon payment of a fee of five hundred dollars to the State Treasurer, which said license may be annually renewed upon payment of a like amount.

Sec. 3, Act of July 21, 1919, P. L. 1069, Sec. 4 provides that no further license is required to operate a distillery.

104. ENFORCEMENT. The Secretary of the Commonwealth is authorized to employ such clerks and assistants as may be necessary to carry out the provisions of this act. [The sum of five thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated to the Secretary of the Commonwealth for two fiscal years commencing June first, one thousand nine hundred nineteen, for the payment of the compensation of clerks and assistants necessary to carry out the provision.]

Sec. 6, Act of July 21, 1919, P. L. 1069.

105. PENALTIES. Any person, firm, or corporation who shall engage in the manufacture or distillation and sale of ethyl alcohol without having obtained a license as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars or more than one thousand dollars.

Sec. 5, Act of July 21, 1919, P. L. 1069.

107. DUTY OF MAGISTRATES AND DISTRICT ATTORNEYS. A magistrate, having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdic-

tion is offending against the provisions of this act, supported by oath or affirmation, must issue a warrant directed to the sheriff, or to any constable, marshal or police officer within the county, directing him to search for, seize and take possession of any of the articles specified in this chapter in the possession of the person against whom complaint is made. The magistrate must immediately transmit every article seized by virtue of the warrant to the district attorney of the county, who must, upon conviction of the person from whose possession the same was taken, cause it to be destroyed and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

Sec. 3, Act of May 12, 1897, P. L. 63. The Act of May 12, 1897, P. L. 63, is repealed by the Penal Code of 1939 except as to matters of procedure.

108. MEDICINES, ETC., TO PROCURE ABORTION OR PREVENT CONCEPTION. Whoever prints or publishes, or causes to be printed or published, in any newspaper, pamphlet, book or circular, any advertisement of, or sells or keeps for sale, or gives away or publishes an account or description of, or by writing, publishes or circulates any notice of any secret drug, nostrum, medicine, recipe or instrument, purporting to be for the use of females for the purpose of preventing conception, or procuring abortion or miscarriage, is guilty of a misdemeanor, and shall upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

Nothing contained in this section shall be construed to apply to teaching in regular chartered medical colleges, or the publication of standard medical books.

Sec. 525 of the Penal Code of 1939 which partly supersedes the Act of May 12, 1897, P. L. 63.

109. VENDING MACHINES AND MECHANICAL DEVICES FOR DISTRIBUTION OF DRUGS. Whoever offers for sale or sells or distributes any medicine, drug, poison, or article intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, through or by means of any vending machine or other mechanical device, or uses any vending machine in or for the sale or distribution of any medicine, drug, poison or article intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or to undergo imprisonment not exceeding one (1) year, or both.

The term "drug," as used in this section, shall mean all medicinal substances and preparations recognized in the United States Phar-

macopoeia and National Formulary, or any supplements thereto, and all substances and preparations intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, and all substances and preparations that contain medicinal or quasi-medicinal preparations, such as those sold or produced primarily for their vitamin content, intended to affect the structure or any function of the body of man or animal.

Sec. 659 of the Penal Code of 1939.

(g) Insecticides and Fungicides

110. "INSECTICIDE" AND "FUNGICIDE" DEFINED. The term "insecticide" as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man, or animals, or households, or to be present in any environment whatsoever. The term "Paris green," as used in this act, shall include the product sold in commerce as Paris green, and chemically known as the acete-arsenite of copper. The term "lead arsenate," as used in this act, shall include the product or products sold in commerce as lead arsenate, and consisting chemically of products derived from arsenic acide (H_3AsO_4), by replacing one or more hydrogen atoms by lead.

The term "fungicide" as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever.

Sec. 5, Act of May 17, 1917, P. L. 224.

111. "ADULTERATION" DEFINED. For the purpose of this act, an article shall be deemed to be adulterated:

In the case of Paris green,—first, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate,—first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equavalent to more than seventy-five one-hundredths per centum of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: Provided, however, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides other than Paris green and lead arsenate,—first, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation, and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when used.

Sec. 6, Act of May 17, 1917, P. L. 224.

112. "MISBRANDING" DEFINED. The term "misbranded" as used herein, shall apply to all insecticides, Paris green, lead arsenates, or fungicides, the package, label, or accompanying descriptive circulars of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular; and to all insecticides, Paris green, lead arsenates, or fungicides, which are falsely branded as to the State, Territory, or country, in which they are manufactured or produced.

That, for the purpose of this act, an article shall be deemed to be misbranded:

In the case of insecticides, Paris green, lead arsenates, and fungicides,—first, if it be an imitation, or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; third, if the quantity of the contents be not plainly and correctly marked on the outside of the package, in terms of weight, measure, or numerical count.

In the case of insecticides (other than Paris green, and lead arsenates) and fungicides,—first, if it contains arsenic in any of its combinations or in the elemental form, and the total amount of arsenic present (expressly as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form, and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consist, partially or completely, of an inert substance, or substances, which do not effectively prevent, destroy, or repel insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients, and the fact that they are inert, plainly and correctly stated on the label: Provided, however, That in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer may, at his discretion, state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Sec. 7, Act of May 17, 1917, P. L. 224.

113. ADULTERATION AND MISBRANDING PROHIBITED. It shall be unlawful for any person to manufacture, sell, or offer for sale, within the Commonwealth, any insecticide or fungicide which is adulterated or misbranded, within the meaning of this act.

Sec. 1, Act of May 17, 1917, P. L. 224. Sec. 4 defined "person" to include corporations, companies, societies, associations, partnerships or any individual or combination of individuals.

114. MISREPRESENTATION OF QUALITIES PROHIBITED. It shall be unlawful for any person to defraud any other person by misrepresenting the value of any insecticide, fungicide, or other treatment, applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling, or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive power; and it shall be unlawful for any person to sell any such insecticide, fungicide, or treatment, in any quantity, without giving to the purchaser thereof printed directions, either on the label or in an accompanying statement, stating the strength and time to use the same and any other information necessary for the success of such treatment.

Sec. 2, Act of May 17, 1917, P. L. 224, as amended by the Act of Apr. 24, 1931, P. L. 44.

115. MANUFACTURERS AND IMPORTERS OF INSECTICIDES AND FUNGICIDES TO REGISTER. Every person manufacturing insecticides or fungicides in this Commonwealth, and either the person manufacturing any insecticide or fungicide outside of this Commonwealth or the person importing the same into this State for the purpose of reselling the same on or before the first day of January of each year, or before selling, offering, or exposing for sale such insecticides or fungicides, shall register and file with the Secretary of Agriculture a certified statement of the names and number of each kind or brand of such insecticides or fungicides that he or they shall manufacture, import, or offer for sale during the next ensuing year, and such additional information concerning the same as the Secretary of Agriculture may require; and he or they shall pay to the Secretary of Agriculture the sum of five dollars ($5.00) for each kind or brand of such insecticide or fungicide so registered: Provided, That every person registering five kinds or brands of insecticides or fungicides, and paying to the Secretary of Agriculture the sum of five dollars ($5.00) for each, may register additional kinds or brands for the sum of one dollar ($1.00) for each insecticide or fungicide: Provided, further, That selling agents and retailers, when selling insecticides or fungicides registered by manufacturers or importers, shall not be required to effect additional registration for such brands. All moneys so registered shall be immediately paid by the Secretary of Agriculture into the general fund of the State Treasury.

The Secretary of Agriculture may refuse to register any kind or brand of insecticide or fungicide, and he may revoke any registration which shall have been accepted when such kind or brand has been

found to be adulterated, misbranded, or to have little or no value for the purpose for which it is intended to be used.

It shall be unlawful for any person to sell, offer, or expose for sale any insecticide or fungicide that is not properly registered under the provisions of this section.

Sec. 5 (a) of Act of May 17, 1917, P. L. 224, added by Act of April 4, 1925, P. L. 136 and amended by Act of May 25, 1937, P. L. 221.

116. ENFORCEMENT. The Secretary of Agriculture shall promulgate uniform rules and regulations for enforcing this act, including the collection and examination, by existing bureaus, of insecticides and fungicides, manufactured or offered for sale in the Commonwealth, for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act, or if such insecticides or fungicides do not comply with any provision of this act.

Sec. 13, Act of May 17, 1917, P. L. 224, as amended by the Act of June 12, 1941, P. L. 124.

117. VIOLATIONS; PENALTIES. Any person who shall violate any of the provisions of this act, or any rule, regulation or order promulgated by the Secretary of Agriculture, pursuant to this act, shall, upon conviction thereof, for a first or second offense in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars, nor more than one hundred dollars, and cost of prosecution, and, in default of payment of such fine and costs, an individual, the members of a partnership or the responsible officers or agents of a corporation shall be sentenced to undergo imprisonment for not more than thirty days; and for a third offense shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than three hundred dollars nor more than six hundred dollars, or in the case of individuals, members of a partnership and the responsible officers and agents of an association or corporation to undergo imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

Sec. 9, Act of May 17, 1917, P. L. 224, as amended by the Act of May 25, 1939, P. L. 221.

118. CONFISCATION OF UNLAWFUL PRODUCTS; MANUFACTURE OR SALE OF UNCOLORED POISONOUS PRODUCTS UNLAWFUL. (a) That any insecticide or fungicide that is condemned as being adulterated or misbranded, within the meaning of this act, or otherwise failing to comply with the provisions of this act, shall be confiscated and disposed of by destruction, or in such other manner as the court may direct.

(b) That it shall be unlawful to manufacture, sell, offer to sell, or possess for sale within the Commonwealth, any white powdered insecticide or fungicide higly toxic to man unless insecticide or fungicide is distinctly colored.

Sec. 8, Act of May 17, 1917, P. L. 124, as amended by Act of June 12, 1941, P. L. 224.

(h) Adulterated or Misbranded Drugs (Pure Drug Law)

119. "DRUG" DEFINED. The term "drug," as used in this act, shall include all medicines and preparations recognized in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, for the internal or external use, and any substance or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Sec. 2, Act of May 8, 1909, P. L. 470 as last amended by Act of May 27, 1937, P. L. 906.

120. "ADULTERATION" DEFINED. For the purpose of this act, an article shall be deemed to be adulterated:

First. If a drug which is recognized in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, is sold or offered for sale with or without a modifying prefix or suffix and differs from the standard of strength, quality, or purity, as determined by the test or formula laid down in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them, official at the time of investigation: Provided, That no drug defined in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, except the preparation in which any such drug may be an ingredient in the formula thereof, shall be deemed to be adulterated, under this provision, if the standard strength, quality or purity be plainly stated, in juxtaposition with the official standard of strength, quality, and purity, upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test or formula laid down by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation.

Second. If the strength or purity fall below the processed standard or quality under which it is sold.

Sec. 3, Act of May 8, 1909, P. L. 470 as last amended by Act of May 27, 1937, P. L. 906.

121. "MISBRANDED" DEFINED. For the purpose of this act an article shall be deemed to be misbranded:

First. All drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substance of substances contained therein, which is false or misleading in any particular

Second. If it be an imitation of, or offered for sale under the name of, another article.

Third. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; or if the package fail to bear statement on the label of the presence of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine, or any derivative or any preparation of any such substances, contained thereon: Provided, That nothing in this paragraph apply to the filling of written prescriptions, furnished by practicing physicians, dentists, and veterinarians, and kept on file by pharmacists; or as to such preparations as are specified and recognized by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, and the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false or fraudulent.

Fifth. If there is an omission, or substitution, of any of the ingredients of a prescription written by a duly licensed physician, dentist, or veterinarian, the number on the prescription label shall be the device by which the corresponding prescription shall be identified.

Sec. 4, Act of May 8, 1909, P. L. 470, as last amended by Act of April 10, 1945, P. L. 186.

122. SALE, ETC., OF MISBRANDED AND ADULTERATED DRUGS PROHIBITED. It shall be unlawful for any person, partnership, or corporation to manufacture or sell, offer for sale, or have in possession with intent to sell, any drug which is adulterated or misbranded, within the meaning of this act.

Sec. 1, Act of May 8, 1909, P. L. 470. It would seem that this act repeals Sec. 69, Act of Mar. 31, 1860, P. L. 382; Sec. 9, Act of May 24, 1887, P. L. 189; and the Act of May 25, 1897, P. L. 85.

123. SALE OF ADULTERATED DRUGS AND MEDICINES. Whoever knowingly sells or exposes for sale the flesh of any diseased animal, or any other unwholesome flesh, or knowingly sells or exposes for sale unwholesome bread, drink or liquor, or adulterates for the purpose of sale, or knowingly sells any adulterated flour, meal, article of food, wine, beer, spirits of any kind, or other liquid intended for drinking, or adulterates for sale, or knowingly sells any adulterated drugs or medicines, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars ($100), or undergo an imprisonment not exceeding six (6) months, or both.

Sec. 635 of the Penal Code of 1939.

124. ENFORCEMENT; RULES AND REGULATIONS; ENTRY OF PREMISES; PURCHASES; PENALTY. The enforcement of this act shall be entrusted to the State Pharmaceutical Examining Board,[1] who shall receive as compensation for their services the same per diem and expenses that they receive as members of the State Pharmaceutical Examining Board[1] under the act of May twenty-fourth, one thousand eight hundred and eighty-seven.[2] They shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of drugs manufactured or offered for sale in the State; and shall appoint an executive secretary, who shall work under the directions of said board;[1] and they shall also have the power to employ such agents, chemists, attorneys, and assistants as may be necessary for this purpose;[3] and they or their duly authorized agents shall have the right to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples; and shall have the right to purchase samples in order that tests may be made to determine whether such drugs conform to the standards of strength, quality, and purity as fixed by the laws of this Commonwealth. Any person who intentionally prevents, or knowingly refuses to permit any authorized person to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples, or refuses to sell a sample or samples of drugs for the purpose of examination, shall, upon conviction be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution: Provided, however, That this section shall not be construed as granting any right or privilege to said board,[1] or their agents thereof, of inspecting any place where drugs are sold or manufactured, or any formula or process of manufacture of any drug.

Sec. 5, Act of May 8, 1909, P. L. 470, as amended by the Act of June 7, 1917, P. L. 564.

125. OFFICE AND LABORATORY OF BOARD. The Pharmaceutical Examining Board[1] shall have an office and laboratory in the State Capitol, in which to conduct the work provided for in this act. The Board of Commissioners of Public Grounds and Buildings[4] shall, upon the requisition of the president and secretary of the Pharmaceutical Examining Board,[1] furnish said examining board with all such books, printing and stationery supplies, chemicals, apparatus, furniture, and equipment as may be needed to conduct properly the affairs of said examining board.

Sec. 6, Act of May 8, 1909, P. L. 470, as amended by the Act of June 13, 1911, P. L. 889.

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[1] Now the State Board of Pharmacy.

[2] The Act of 1887, May 24, P. L. 189, mentioned supra, was supplied by Sec. 2, Act of May 17, 1917, P. L. 208. This section was in turn partially supplied by Sec. 413 of the Administrative Code.

[3] All agents are now employed under the authority of the Administrative Code.

[4] Now the Department of Property and Supplies.

126. EXAMINATION OF DRUGS; HEARING; INSTITUTION OF PROSECUTIONS.[1] The examination of drugs, purchased or procured by said board, shall be made under the direction and supervision of said board, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimen is adulterated or misbranded within the meaning of this act, the board shall cause notice thereof to be given to the party from whom the same was purchased or procured. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid; and if it appears that any of the provisions of this act have been violated by such party, then the board shall at once direct their agent or representative to lay the facts before the district attorney of the proper county, together with a copy of the results of the analysis of such article, duly authenticated by the analyst or officer making the same; and shall direct their said agent or representative, under the direction of the said district attorney, to make information against the party so appearing to have violated the provisions of this act, and attend to the prosecution of such proceedings until the same is finally terminated.

Sec. 7, Act of May 8, 1909, P. L. 470.

127. DUTY OF DISTRICT ATTORNEY. It shall be the duty of each district attorney to whom the board[1] shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper court, without delay, for the collection of the penalties in such case made and provided.

Sec. 8, Act of May 8, 1909, P. L. 470.

128. PENALTIES. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, for each offense, upon conviction thereof, be fined not to exceed fifty dollars; and upon conviction for any second or subsequent commission of the same offense, shall be fined not to exceed one hundred dollars; and upon conviction the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of this act shall be paid to the treasurer of the State Pharmaceutical Examining Board,[1] and by him shall be forthwith paid to the Treasurer of the State, for the use of the Commonwealth.

Sec. 9, Act of May 8, 1909, P. L. 470.

129. PROCEEDINGS WHERE DRUGS ARE GUARANTEED. In case it shall be made to appear at any hearing before said board,[1] or under the rules and regulations prescribed thereby, that the dealer, from whom any adulterated or misbranded article shall have been

[1] Now the State Board of Pharmacy

purchased or procured, purchased the same from any manufacturer, wholesale dealer or jobber, who has given a guarantee thereof to the dealer, that the same is not misbranded or adulterated within the meaning of this act; and if it shall be made to appear that the said dealer has kept and preserved the article in question in precisely the same condition, as to quality and purity, as when it was so purchased by said dealer then, and in that case, the said board shall direct proceedings to be commenced against the manufacturer, wholesale dealer, or jobber, in the proper county, for the collection of the penalty provided for violation of this act; and if the penalty shall thus be collected from said manufacturer, wholesale dealer, or jobber, no further proceedings shall be commenced or continued against the dealer from whom the article in question has been purchased or procured, provided the sale of said article be discontinued by said dealer.

Sec. 10, Act of May 8, 1909, P. L. 470.

(i) Sulfanilamide

130. SALE OF SULFANILAMIDE. PRESCRIPTIONS. LABELS. The drug known as sulfanilamide and any of its derivatives, except sulfathiazole-impregnated finger or small adhesive gauze bandages, shall not be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician, dentist or veterinarian, compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist; and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist, or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record, showing the date, name of, the quantity of the drugs dispensed, and the name and address of the patient. No physician, dentist, or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient, and the directions for the use of the drug by the patient.

Sec. 1, Act of May 12, 1939, P. L. 133 as amended by Act of May 21, 1943, P. L. 594.

131. POSSESSION BY MANUFACTURER OR DEALER. No manufacturer, pharmacist, jobber, dealer in drugs, or any other person shall sell or have in his possession any sulfanilamide or its derivatives unless the container bears a label, securely attached thereto, stating conspicuously the specific name of the drug, and the proportion of amount thereof. Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription, or dis-

pensed by a physician, dentist, or veterinarian, and the container is labeled in the manner described in section one hereof.

Sec. 2, Act of May 12, 1939, P. L. 133.

132. ENFORCEMENT. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania.

Sec. 3, Act of May 12, 1939, P. L. 133.

133. PENALTIES. Any person who shall violate or fail to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense; not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for the third and each subsequent offense. If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Sec. 4, Act of May 12, 1939, P. L. 133.

(j) Penicillin

134. SALE OF PENICILLIN; PRESCRIPTIONS; LABELS. The drug known as penicillium (penicillin) and any of its derivatives, preparations or compounds of the same shall not be sold at retail or dispensed to any person, except upon the written prescription of a duly licensed physician, dentist or veterinarian, compounded or dispensed by a registered pharmacist, or under the immediate personal supervision of a registered pharmacist, and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record showing the date, name and the quantity of the drugs dispensed, and the name and address of the patient. No physician, dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient and the directions for the use of the drug by the patient.

Sec. 1, Act of April 26, 1945, P. L. 318.

135. POSSESSION; LABELS. No manufacturer, pharmacist, jobber, dealer in drugs, or any other person, shall sell or have in his possession any penicillium (penicillin), or its derivatives, preparations or compounds of the same, unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug and the proportion of amount thereof. Such label shall not be necessary when such drug is dispensed by a pharmacist upon a prescription, or dispensed by a physician, dentist or vetreinarian and the container is labeled in the manner described in section one hereof.

Sec. 2, Act of April 26, 1945, P. L. 318.

136. ENFORCEMENT. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania.

Sec. 3, Act of April 26, 1945, P. L. 318.

137. PENALTIES. Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00), nor more than fifty dollars ($50.00), for the first offense; not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) for the third, and each subsequent offense. If the violation is by a corporation, copartnership or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Sec. 4, Act of April 26, 1945, P. L. 318.

VII

HYPNOTIC DRUGS

138. DEFINITIONS. The following words and phrases shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning.

"Hypnotic drug" shall mean the drugs, known as barbital and the salts of barbituric acid, also known as malonylurea, or any derivative or compounds, or any preparations or mixtures thereof, possessing hypnotic properties or effects.

"Other hypnotic drug, or analgesic drug, or body-weight reducing drug," shall be held to mean and include sulphonethylmethane (Trional), or sulphonmethane (Sulphonal), or diethylsulphon diethylmethane (Tetronal), or bromdiethylacetylcarbamide (Carbromal), by whatever name they may be known; or paraldehyde, or any derivatives or compounds or preparations or mixtures thereof, possessing hypnotic properties or effects; and chloral or chloralhydrate or chlorbutanol, or any compounds or mixtures thereof possessing hypnotic properties or effects; or phenylcinchoninic acid (Cinchopen), an analgesic anti-rheumatic drug, or any derivative or compound including Atophan and Atoquinol or dinitrophenol, a metabolic accelerator body-weight reduction drug, or any dinitro compounds including dinitrophenol sodium, and dinitrocresol sodium, Amphetamine (Benzedrine), and Thyroid, when the drugs herein defined or any derivatives or compounds or mixtures or preparations thereof.

Sec. 1, Act of July 18, 1935, P. L. 1303, as amended by Act of May 2, 1945, P. L. 380.

139. SALE; PRESCRIPTIONS; LABELS; RECORD. No hypnotic drug or analgesic or body-weight reduction drug as defined herein, shall be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician, dentist, or veterinarian, compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist; and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist, or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record showing the date, name of, the quantity of the drugs dispensed, and the name and address of the patient. No physician, dentist, or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the dispenser, the date dis-

pensed, the name and address of the patient, and the directions for the use of the drug by the patient.

Sprays, eye lotions, toothache drops, liniments, inhalers, and external preparations, not including vaginal or rectal remedies, may be sold at retail, provided that such compound or mixture or preparation intended as a spray, eye lotion, toothache drops, liniment, inhalers, or external application shall contain in addition to the content of Chlorbutanol, or other drug defined under this act, some other drug or drugs conferring upon it medicinal qualities other than those possessed by the drug used as specified in this act, and that such compounds or mixtures or preparations shall be sold in good faith for the purpose for which they are intended, and not for the purpose of evading the provisions of this act.

Sec. 2, Act of July 18, 1935, P. L. 1303, as amended by Act of May 2, 1945, P. L. 380.

140. CONTENTS OF LABEL. No manufacturer, pharmacist, jobber, dealer in drugs, or any other person shall sell or have in his possession any hypnotic drug or analgesic drug or body-weight reduction drug defined herein, unless the container bears a label, securely attached thereto, stating conspicuously the specific name of the barbital, or other hypnotic drug, or analgesic drug, or body weight reduction drug, and the proportion of amount thereof. Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription, or dispensed by a physician, dentist, or veterinarian, and the container is labeled in the manner described in section two hereof.

Sec. 3, Act of July 18, 1935, P. L. 1303.

141. ENFORCEMENT; RULES AND REGULATIONS. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania, and for that purpose the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act, and to employ such assistants and employes as, in said Secretary of Health's opinion, may be necessary, and to fix their compensation.

Sec. 4, Act of July 18, 1935, P. L. 1303.

142. PENALTIES. Any person who shall violate or fail to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense; not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00) for the third and each subsequent offense. If the violation is by a corporation, copartnership, or association the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violations were committed by them personally.

Sec. 5, Act of July 18, 1935, P. L. 1303.

VIII

MISCELLANEOUS

143. ADVERTISEMENTS RELATING TO VENERAL DISEASES PROHIBITED; PENALTIES. It shall be unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed in any manner whatsoever, or to post or display or permit to be posted, displayed or to remain on any buildings, windows or outhouses or premises or other surface owned or controlled by him in the State of Pennsylvania or to have displayed in or on any window or place where the same could be read by passersby or the public any advertisement, label, statement, print or writing which refers to any person or persons from whom or by any means which, or to any office or place at which may be obtained any treatment or cure for syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele or self-abuse whether described by such names, words, terms or phrases or by any other names, words, terms or phrases calculated or intended to convey to the reader the idea that any such diseases, infirmities, disabilities, conditions or habits are meant or referred to or which refers to any medicine, article, device, or preparation that may be used for the treatment or cure of any of the diseases, infirmities, disabilities, conditions, or habits mentioned in this act.

The word "person," as used herein shall mean and include natural persons, copartnerships, corporations and associations and shall include persons of both sexes.

Any individual or members or agents of any copartnership, association or the officers or directors or agents of any corporation or any person herein referred to violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not less than five hundred dollars or more than one thousand dollars and to imprisonment for a period not exceeding one year.

Secs. 1, 2, and 3, Act of Apr. 25, 1921, P. L. 242.

This Act of 1921 is repealed by the Penal Code of 1939 and is superseded by the following section thereof.

144. ADVERTISING TREATMENT OF GENERATIVE ORGANS. Whoever advertises himself as being engaged in the business or profession of treating diseases of the generative organs of either sex, or operates a printing establishment and inserts such advertisement in any publication issued by such printing establishment, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or to imprisonment for a period not exceeding one (1) year, or both.

Sec. 526 of the Penal Code of 1939.

145. ADVERTISEMENTS FOR TREATMENT AND CURE OF DISEASES OF THE GENERATIVE ORGANS. SALES PROHIBITED. PENALTIES. The Department of Health shall formulate rules and regulations concerning the advertisement of treatment, prophylaxis, diagnosis and/or cure of diseases of the generative organs or of venereal diseases.

Sale of drugs or other remedies for the treatment of such diseases is prohibited, except under prescription of duly licensed physicians of the Commonwealth.

Whoever wilfully violates any provision of this act shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not less than fifty ($50), nor more than two hundred dollars ($200), with all costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for a period of not less than thirty days nor more than sixty days.

Secs. 8, 9 and 12 of the Act of May 16, 1945, P. L. 577 which act refers to the cure and treatment of diseases of the generative organs or of venereal diseases.

146. DISTRIBUTION OF SAMPLES OF MEDICINE OR CANDY PROHIBITED; PENALTIES. Whoever deposits, casts, throws, or places any package, parcel, or sample of any medicine or candy in or upon any house, building, porch, veranda, portico, or any other part of any house or building, or in or upon any lawn, yard, land, street, or public highway, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars ($100), or undergo imprisonment not exceeding three (3) months, or both.

Sec. 657 of Penal Code of 1939.

147. DISTRIBUTION OF TRIAL SAMPLES OF MEDICINES, DYES, ETC., TO CHILDREN PROHIBITED. Whoever distributes any free or trial samples of any medicines, dyeing, ink, coloring or polishing compounds, in any form of preparation, upon the ground, sidewalks, porches, into yards, or into or under doors or windows, or in any way or manner, that children may get possession of or secure the same, is guilty of a misdemeanor, and shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars ($50), and in default of the payment of the fine, and costs, shall be sentenced to imprisonment not exceeding (30) days.

Nothing contained in this section shall prohibit such distribution to adult persons only.

Sec. 658 of the Penal Code of 1939.